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5 STORZ PERFORMANCE, INC.

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8 **UNITED STATES DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
9

10 STORZ PERFORMANCE, INC.,)
a California corporation,)

Case No. 3:07-CV-02242 W (WMC)

11)
Plaintiff,)

12 vs.)

13 MOTO ITALIA, form unknown;)
LESLIE BULL, an individual;)
14 CYCLE PERFORMANCE)
PRODUCTS, INC.; JOHN BASORE,)
15 an individual, and, DOES 1 to 100,)
Inclusive,)

DATE: September 15, 2008

TIME: 10:30 a.m.

PLACE: Hon. Thomas J. Whelan
Courtroom No. 7

16)
Defendants.)
17)
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19
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21 **NOTICE OF MOTION AND MOTION RE:**
22 **STORZ PERFORMANCE, INC. MOTION**
FOR RULE 55 JUDGMENT

23 **NO ORAL ARGUMENT PER COURT**
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26 Honorable Thomas J. Whelan
United States District Court Judge

27 Honorable William McCurine, Jr.
28 United States Magistrate Judge

1 TO ALL PARTIES AND INTERESTED PERSONS:

2 **PLEASE TAKE NOTICE** that Plaintiff STORZ PERFORMANCE, INC., on
3 **September 15, 2008 at 10:30 a.m.**, or as soon thereafter as the matter may be heard in **Courtroom**
4 **7** of the above entitled Court located at **940 Front Street, San Diego, California**, before the
5 **Honorable Thomas J. Whelan**, U.S. District Court Judge, Judge Presiding, will move and hereby
6 does move for entry of judgment under Fed.R.Civ.P., Rule 55, in the proposed form as submitted
7 herewith. Please be advised that the Court will not be setting this matter for oral argument.

8 This Motion will be based upon this Notice of Motion and Motion, the Memorandum of
9 Points & Authorities in Support of Motion, the Declaration of Steve Storz (Storz Performance, Inc.),
10 the Notice of Lodgment of Exhibits (Declaration of Steele N. Gillaspey), the documents, records and
11 papers on file in this case, and upon such other and further matter as this Honorable Court may deem
12 just, proper and necessary.

13 Respectfully submitted,

14 DATED: July 18, 2008

15 GILLASPEY & GILLASPEY

16
17 By: /s/ STEELE N. GILLASPEY

18 Steele N. Gillaspey, Esq.,
19 Attorney for Plaintiff,
20 STORZ PERFORMANCE, INC.

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1 I, the undersigned, do declare that I am employed in the county aforesaid; that I am over the
2 age of eighteen [18] years and not a party to the within entitled action; and that I am executing this
proof at the direction of a member of the bar of the above entitled Court. The business address is:

3 GILLASPEY & GILLASPEY
4 The NBC Tower, 225 Broadway, Suite 2220
San Diego, California 92101

5 ☒ MAIL. I am readily familiar with the business' practice for collection and processing
6 of correspondence for mailing via the United States Postal Service and that the correspondence
would be deposited with the United States Postal Service for collections that same day.

7 ☐ FACSIMILE. I am readily familiar with the business' practice for collection and
8 processing of correspondence for electronic transmission and that the correspondence was
successfully transmitted by facsimile that same day in the ordinary course of business.

9 ☐ OVERNIGHT. I am readily familiar with the business' practice for collection and
10 processing of correspondence for overnight delivery/receipt next day via a major carrier such as UPS,
FED EX, DHL or similar carrier, and same were deposited that same day.

11 ☐ ELECTRONIC. I am readily familiar with the business' practice for collection and
12 processing of documents via its electronic (e-mail) system and said documents were successfully
transmitted via e-mail that same day.

13 ☐ PERSONAL. The below described documents were personally served that day.

14 On the date indicated below, I served the within:

15 Notice of Motion (Rule 55)
16 Memorandum of Points & Authorities
17 Storz Declaration
Gillaspey Declaration & Exhibits
[Proposed] Judgment

18 The above documents were served as set forth above and addressed as follows:

19 Leslie Bull	John Basore
20 MOTO ITALIA	CYCLE PERFORMANCE PRODUCTS
21 1060 Petaluma Blvd. N.	2724 Spring Garden Road
Petaluma, CA 94952	Winston-Salem, NC 27106

22 I declare under penalty of perjury, under the laws of the United States, that the foregoing is
23 true and correct and was **EXECUTED** on July 23, 2008 at San Diego, California.

24 /s/ NICOLE HARRIS
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